

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3181 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

JITENDRAKUMAR T PATEL

Versus

MANAGING DIRECTOR

Appearance:

MR BG JANI for Petitioner

Ms.Parinda J. Davawala for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 16/06/2000

ORAL JUDGEMENT :

The present petition is filed by the petitioner,
who had applied pursuant to an advertisement dated
2.9.1996 published by the respondent Corporation for
filling up the vacancies of Electrical Supervisor in the

pay scale of Rs.425- 800/-. It is the case of the petitioner that the petitioner possessed all the requisite qualifications required for the purpose of appointment as an Electrical Supervisor. The petitioner has produced necessary certificates to show that he possessed those qualifications. The case of the petitioner is that though the petitioner was called for the interview for the post of Electrical Supervisor and selected for the same, but when appointment came to be given, by an order dated 21.2.1987, the said order mentioned that,

"With reference to your application dated 2.9.1986 and subsequent interview with us on 11.12.1986, we are pleased to appoint you on the post of Electrician (Grade- II) in the technical cadre, Gujarat Agro Industries Corporation Ltd., on the following terms and conditions.

.. .."

2. The case of the petitioner is that at the time of joining duty pursuant to the said appointment order, the petitioner did talk to respondent no.2 authority, who asked the petitioner to accept the appointment as Electrician Grade II in the technical cadre in Bavla Unit and assured the petitioner that his case will be considered for appointment as Electrical Supervisor in due course.

3. It is the case of the petitioner that thereafter the petitioner was continued as Electrician Grade II even after his confirmation as Electrician Grade II, on 6.3.1988. The petitioner made various representations, some of them are produced at Annexure 'E' (Colly.). In the first representation dated 1.9.1988, it is stated that the advertisement was for the post of Electrical Supervisor, the petitioner was interviewed for the post of Electrical Supervisor, he was selected also for the post of Electrical Supervisor. However, he was posted at Bavla Energy Food Plant, where he has been discharging his duties with all sincerity. The petitioner contended that as the petitioner possessed all the requisite qualifications, he should have been given an appointment as Electrical Supervisor in the said Bavla Energy Food Plant. Thereafter, the petitioner made other representations also, dated 31.10.1988, 10.2.1989, 7.10.1989, 19.12.1989, 3.5.1990 and 2.7.1990. But the respondent authorities have not responded to any of those representations. The petitioner has also produced a copy of the letter dated 30.1.1991 of the Manager wherein the

case of the petitioner is recommended for monetary benefits of Rs.250/- as a special allowance from January 1991 on appreciation of his sincerity and quality of work. It is also mentioned in the said letter that the petitioner has shown great willingness in completing the time bound production programme of the unit. It is specifically mentioned that willingness is shown over and above his normal duties as Electrician. That also shows that the petitioner was working as Electrician in Bavla unit.

4. In the present petition a prayer is made to the effect that the petitioner should be paid equal pay for equal work as it is the case of the petitioner that the petitioner was discharging the same duties which an Electrical Supervisor is required to discharge. In the petition, nowhere the duties of Electrician Grade II or Electrical Supervisor are set out. There is no material on record to show that the petitioner was discharging duties as Electrical Supervisor. The documents produced on the record clearly shows that the petitioner was given appointment by an order dated 21.2.1987 as Electrician (Grade II). It is the case of the petitioner himself that the petitioner was given assurance for being considered for the post of Electrical Supervisor. So far as that letter written by the Manager is concerned, there also what is recommended is only that he may be given monetary benefits of Rs.250/- per month. from the month of January 1991.

5. In view of this discussion there is no material on record which can warrant an order from this Court directing the respondent authorities to either appoint the petitioner on the post of Electrical Supervisor or in the alternative direct the respondent authorities to pay him salary of Electrical Supervisor.

6. In the result the petition fails. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)

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